

May 15, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L02P0007**
Proposed Ordinance no. **2003-0097**

STAR LAKE ROAD
Preliminary Plat Application

Location: Star Lake Road, southwest of the intersection of South 277th Street and
55th Avenue South

Applicant: Roland Jankelson, *represented by*
Ivana Halvorsen
Barghausen Consulting Engineers, Inc.
18215 – 72nd Avenue South
Kent, WA 98032
Telephone: (425) 251-6222
Facsimile: (425) 251-8782

King County: Department of Development and Environmental Services
represented by **Trishah Bull**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6758
Facsimile: (206) 296-6644

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:
Department's Final Recommendation:
Examiner's Decision:

Approve, subject to conditions
Approve, subject to conditions
Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:
Hearing Closed:

May 13, 2003
May 13, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Roland Jankelson
Jankelson Lacy Partnership LP
15 Ponce de Leon Terrace SW
Tacoma, WA 98499-1745

Engineer: Barghausen Consulting Engineers, Inc.
18215 72nd Avenue South
Kent, WA 98032
(425) 251-6222

STR: NW-35-22-04

Location: The property is located on Star Lake Road, southwest of the intersection of South 277th Street and 55th Avenue South.

Zoning: R-1
Acreage: 8.66
Number of Lots: 9
Density: 1 unit per acre
Lot Size: Ranges from approximately 13,400 to 19,700 square feet
Proposed Use: Single-family detached dwellings
Sewage Disposal: Lakehaven Utility District
Water Supply: Highline Water District
Fire District: King County District #39
School District: Federal Way School District 210

Complete Application Date: May 17, 2003

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the May 13, 2003, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. The Jankelson Lacy Partnership, LP, has filed an application to subdivide 8.66 acres into 9 lots for single-family residential development. The property is a heavily wooded parcel that is subject to a number of site constraints and accordingly has been zoned R-1. It lies on a hillside overlooking the Green River valley and is characterized by steep slopes and erosive soils.

4. Drainage from the plat will be released at the property's northeast corner into the Star Lake Road storm drainage system, then will be tightlined beneath South 277th Street and discharged into tributary 0046 of Mullen Slough. The entire downstream conveyance system is afflicted with sedimentation buildup, and the minimal gradients across the Green River valley result in chronic backwater conditions. As mitigation, the Applicant will apply level 3 drainage control to project stormwater releases and clean and rip-rap a 1,000 foot stretch of the Star Lake Road ditch. Nonetheless, during chronic backwater conditions, the net increase in runoff from the plat will result in a minor additional contribution to the Mullen Slough backwater volumes.
5. The Applicant has also been granted a road variance from County entering and stopping sight distance standards in order to accommodate the fact that the plat entry road must be located along a stretch of Star Lake Road characterized by sharp horizontal curves in both directions.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat of Star Lake Road, as revised and received on January 10, 2003, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-1 zone classification. All lots shall meet the minimum dimensional requirements of the R-1 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).

5. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. The surface water detention facility shall be designed to the Level 3 flow control standard in the 1998 King County Surface Water design Manual (KCSWDM). A surface water adjustment (L02V0074) is approved for this project. All conditions of approval for this adjustment shall be met upon submittal of the engineering plans.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The existing ditch on the northwesterly side of Star Lake Road shall be cleaned and stabilized (rock lined or otherwise) from the site to S 277th Street. The extent of ditch stabilization required is to be determined by the design engineer and as approved by DDES.
9. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. FRONTAGE: The frontage along Star Lake Road (plat side only) shall be improved to the urban neighborhood collector standard with the addition of new curb, gutter and sidewalk. Additional pavement widening and horizontal realignment is required at the proposed entrance in general conformance with the preliminary road and drainage plan received February 11, 2003.

Additional right-of-way dedication is required for the entrance realignment in general conformance with the above preliminary road and drainage plan. Right-of-way dedication is also required for the sight distance line across proposed Lot 9.

- b. The internal access road shall be improved to the urban minor access road standard.
 - c. Road variance, L02V0109, was submitted for this project. All conditions of approval for this variance shall be met upon submittal of the engineering plans.
 - d. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. There shall be no direct vehicular access to or from South Star Lake Road from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
14. If the internal road is to be private, as proposed, then the road shall be maintained by the Homeowners' Association. A note to this effect shall be shown on the final engineering plan and recorded plat.
15. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
16. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.

17. Preliminary plat review has identified the following specific sensitive areas requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

Geotechnical

Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer from these slopes. The buffer may be reduced with the submittal of a satisfactory soils report, subject to review and approval by DDES geologist, prior to engineering plan approval.

18. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

19. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the continued maintenance of the open space and/or sensitive area tract(s).
20. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if South Star Lake Road is on a bus route. If South Star Lake Road is on a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
21. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 15th day of May, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 15th day of May, 2003, to the parties and interested persons of record:

Seattle-KC Health Department
E. District Envirn. Health
14350 SE Eastgate Way
Bellevue WA 98007

Shelly Fife
5457 S Star Lake Road
Auburn WA 98001

Steve Fiksdal
John L. Scott Real Estate
3380 - 146th Pl. SE, #450
Bellevue WA 98007

Ivana Halvorsen
Barghausen Consulting Eng.
18215 - 72nd Ave. S.
Kent WA 98032

Roland Jankelson
15 Ponce De Leon Terrace SW
Tacoma WA 98499-1745

Melvin Kleweno
Midway Sand and Gravel
PO Box 140
Kent WA 98035

Allen J. McCulloch
5205 S 279th St.
Auburn WA 98001

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Trishah Bull
DDES/CPLN
Current Planning Section
MS OAK-DE-0100

Kim Claussen
DDES/LUSD
Current Planning
MS OAK-DE-0100

Nick Gillen
Wetland Review
DDES/SDSS
MS: OAK-DE-0100

Kristen Langley
DDES/LUSD
Land Use Traffic
MS OAK-DE-0100

Carol Rogers
LUSD/CPLN
MS OAK-DE-0100

Larry West
DDES/LUSD
Geo Review
MS OAK-DE-0100

Bruce Whittaker
DDES/LUSD
Prel. Review Engineer
MS OAK-DE-0100

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before May 29, 2003***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before June 5, 2003***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MAY 13, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02P0007.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Bruce Whittaker, and Kristen Langley, representing the Department; and Ivana Halvorsen, representing the Applicant.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File No. L02P0007
- Exhibit No. 2 DDES Preliminary Report dated May 13, 2003
- Exhibit No. 3 Application received April 19, 2002
- Exhibit No. 4 Environmental checklist received April 19, 2002
- Exhibit No. 5 Determination of Non-significance dated February 7, 2003
- Exhibit No. 6 Affidavit of Posting indicating a posting date of June 3, 2002 and receipt by DDES on June 6, 2003.
- Exhibit No. 7 Preliminary plat map received January 10, 2003
- Exhibit No. 8 Land Use Map, Kroll page 628W
- Exhibit No. 9 Assessors Maps (2): NW 35-22-04 and SW 35-22-04
- Exhibit No. 10 Level 1 downstream analysis by Barghausen Consulting Engineers, received at DDES on August 8, 2002
- Exhibit No. 11 Letter dated 12/27/02 from Theresa Henson of Barghausen Consulting Engineers, Inc. regarding wetland delineation
- Exhibit No. 12 Letter dated 11/07/02 from DDES regarding KCSWDM Adjustment Request for L02V0074
- Exhibit No. 13 Letter dated 05/13/03 from Paulette Norman re: Road Standards Variance Approval
- Exhibit No. 14 Letter dated 4/17/02 from Earth Consultants, Inc. regarding steep slope setbacks

SLS:ms
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